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1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF ILLINOIS

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3 UNITED STATES OF AMERICA,)
4 PLAINTIFF,)
5 v.) NO. 99-63-DRH
6 PHARMACIA CORPORATION, ET)
7 AL.,)
8 DEFENDANTS.)
9 PHARMACIA CORPORATION AND)
10 SOLUTIA INC.,)
11 COUNTERCLAIM)
12 PLAINTIFFS,)
13 v.)
14 UNITED STATES OF AMERICA, ET)
15 AL.,)
16 COUNTERCLAIM)
17 DEFENDANTS.)

16

17 DEPOSITION OF JOHN MARKEZICH
18 TAKEN BY RON HOBBS, ESQ.
19 ON BEHALF OF DEFENDANTS PHARMACIA AND SOLUTIA
20 APRIL 18, 2002

19

20 REPORTED BY TRACI BUTZ
21 CERTIFIED SHORTHAND REPORTER
22 CERTIFIED REALTIME REPORTER

22

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13 V.)
14 UNITED STATES OF AMERICA, ET)
15 AL.,)
16 COUNTERCLAIM)
17 DEFENDANTS.)

16

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19 DEPOSITION OF JOHN MARKEZICH, produced, sworn and
20 examined on the 18th day of April, 2002, at the offices
21 of Husch & Eppenger, LLC, 190 Carondelet Plaza, Suite
22 600, in the City of St. Louis, State of Missouri, before
23 Traci Butz, Certified Shorthand Reporter, Certified
24 Shorthand Reporter, Certified Realtime Reporter, in and
25 for the State of Missouri, in a certain cause now
pending in the United States District Court, Southern
District of Illinois, between UNITED STATES OF AMERICA,
Plaintiff, and PHARMACIA CORPORATION, ET AL.,
Defendants, and PHARMACIA CORPORATION AND SOLUTIA INC.,
Counterclaim Plaintiffs, and UNITED STATES OF AMERICA,
ET AL., Defendants.

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1 I N D E X

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3 Examination by Mr. Hobbs Page 8

4 Examination by Ms. Anderson Page 71

5 Examination by Mr. Fisher Page 85

6 Examination by Ms. Constance Page 101

7 Examination by Mr. Ysursa Page 103

8 Examination by Mr. Ricci Page 106

9 Examination by Ms. Wunderlich Page 120

10 Examination by Mr. Mollett Page 123

11 Examination by Mr. Sepesi Page 147

12 Examination by Mr. Peak Page 153

13 Further Examination by Mr. Hobbs Page 153

14 Further Examination by Ms. Anderson Page 157

15 Further Examination by Mr. Fisher Page 171

16 Further Examination by Mr. Ricci Page 174

17 Further Examination by Mr. Mollett Page 176

18 Examination by Ms. Carey Page 177

19 Further Examination by Ms. Anderson Page 179

20 Further Examination by Ms. Carey Page 179

21

22

23

24

25

00007

E X H I B I T S

1		
2		
3	Markezich Exhibit 1 (Diagram)	Page 81
4		
5	Markezich Exhibit 2 (Aerial Photograph)	Page 92
6		
7	Markezich Exhibit 3 (Architectural Drawing)	Page 137
8		
9	Markezich Exhibit 4 (Aerial Photograph dated 6/27/50)	Page 158
10		
11	Markezich Exhibit 5 (Aerial Photograph dated 3/29/71)	Page 159
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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1 A. That is correct.

2 Q. When did you start working for Garcia?

3 A. 1947.

4 Q. And how long did you work there?

5 A. 1968, '67, '68. I forget. I'm just
6 guessing, now. That might be wrong.

7 Q. Was it about 20 years, though?

8 A. Well, I worked there longer than that. 23
9 years --

10 Q. Okay.

11 A. -- by gosh, to be exact.

12 Q. All right. Now, was that -- was that
13 continuous or intermittent at any time?

14 A. There was break in working there when I was
15 called back to the military for the Korean conflict.

16 Q. And how long was that break?

17 A. 16 months.

18 Q. Do you remember what year that was?

19 A. 1950, October of 1950 until the last day of
20 February of '52.

21 Q. All right, sir. Where is Garcia Trucking
22 located?

23 A. In Fairmont City.

24 Q. Illinois?

25 A. Yes, sir.

00013

1 Q. And has the entire time that you were working
2 at Garcia, was that where it was located?

3 A. Yes, sir.

4 Q. Is it located there today?

5 A. Yes, sir.

6 Q. What -- what is the business of Garcia
7 Trucking?

8 A. They were in the chemical hauling business at
9 that time, and I don't know if they're in -- they must
10 be in some other kind of hauling, too, now, but at one
11 time they were like a rental truck for a corporation or
12 something where you hauled stuff around their yard and
13 delivered stuff, and then they would deliver chemicals,
14 acid, sulfuric acid mostly.

15 Q. What about the exact time frame when you
16 worked there? Were they in the business of hauling
17 chemicals only?

18 A. No. When I first started working there, we
19 hauled coal and ice, and we hauled around them plants.

20 Q. I'm sorry. What kind of ice?

21 A. Coal and ice. Coal and ice.

22 Q. That was in the late '40s?

23 A. Yeah. They started hauling chemicals in the
24 '50s, and whatever year I'm saying, I -- I wouldn't
25 really know. I'll be honest with you. It's been 50

00014

1 years ago, and I can't remember too well on that.

2 Q. Okay. But the bottom line is they weren't
3 hauling chemicals from the day you got there?

4 A. No.

5 Q. They were hauling ice and coal?

6 A. Ice and coal and -- and delivering stuff like
7 rock and stuff like that. It was dump truck business
8 at that time.

9 Q. Were you a truck driver for Garcia?

10 A. Yes, sir.

11 Q. Was that for your entire tenure there?

12 A. Yes, sir.

13 Q. You never were a dispatcher or anything like
14 that?

15 A. No, sir.

16 Q. What about before Garcia? Where did you work
17 before Garcia?

18 A. Well, I was in World -- I worked at a
19 railroad, and then I went in the service for World War
20 II in 1943, and I got out in '46, and I went back to
21 work at the railroad, and then when I got laid off
22 there, I went to work for Garcia.

23 Q. What railroad, sir?

24 A. Pennsylvania Railroad.

25 Q. Was that located in Illinois?

00027

1 A. And some color -- some people had their
2 colors orange. Some people had it red. Some people
3 had them white.

4 Q. Now, sir, did you personally haul anything
5 out of the American Zinc Sauget plant other than
6 sulfuric acid?

7 A. Yes. We used to haul clean up there to take
8 to the dump.

9 Q. Okay. What do you mean by clean up?

10 A. Whatever they cleaned up on the floors and
11 stuff like that, that went to the dump.

12 Q. Okay. Now, these -- these clean up haulings,
13 when did you start -- I'm sorry. Strike that.

14 When did Garcia Trucking start hauling these
15 plant clean ups to the dump for the American Zinc plant
16 in Sauget?

17 MR. MOLLETT: Objection. Foundation.

18 Q. (By Mr. Hobbs) I'm sorry. Let me ask a
19 different question. When did you start hauling these
20 clean ups from the American Zinc Sauget plant to a dump?

21 A. In 1947. '48. '48. I take that back.

22 Q. Okay. And do you remember approximately the
23 last time that you would have hauled these clean ups
24 from the plant in Sauget to a dump?

25 A. 1960s sometime. Sometime in the '60s because

00028

1 after that all I did was haul chemical, the acid.

2 Q. Okay. Now, when you made these haulings of
3 these plant clean ups in Sauget, what kind of truck did
4 you use?

5 A. A regular dump truck.

6 Q. Now, did that have a permanent device on it
7 to hold these materials, or was it something where they
8 had to load a dumpster pan on the back of the truck?

9 A. We hauled it bulk. They dumped it with a pay
10 loader or tractor or whatever you want to call it on
11 the back, and you just took it to the dump and dumped
12 it.

13 Q. Now, these trucks that you hauled these plant
14 clean ups from, that you hauled these plant clean ups
15 with from the Sauget plant of American Zinc, were they
16 a specific color?

17 A. No. Not -- our trucks were red all the time.

18 Q. Okay. All right. Did they have Garcia
19 written on them or anything?

20 A. Yes, sir.

21 Q. Now, do you know whether any other Garcia
22 employees were making these runs to the dump with
23 American Zinc clean ups?

24 A. Well, not that I recall. Emil would be the
25 only one, Emil or Charlie, and they're both in the

00039

1 A. You know, I really don't know if it was part
2 of the dump or right at the edge of the dump, but it
3 was right in that vicinity.

4 Q. Are you familiar with any other dumps in the
5 Sauget area?

6 A. There were -- they had another one at the
7 river over by -- they had a power plant, and it was
8 just south of the power plant.

9 Q. So that would be to the west of Route 3?

10 A. Yes, sir.

11 Q. And south of the power plant?

12 A. Yes, sir.

13 Q. And did either of these two dumps have names?

14 A. Well, we called them Sauget dumps. I don't
15 know what they -- what they got on record on them, but
16 Leo Sauget owned them, the way I understood it.

17 Q. Why is that your understanding?

18 A. Because he hired the employees to -- that
19 worked the dump.

20 Q. Is this just what you heard or --

21 A. That's what the guy that was -- that was at
22 the dump. He told me that's who he was employed by.

23 Q. Leo Sauget?

24 A. Leo Sauget.

25 Q. Who was the guy -- I'm sorry. Which guy at

00040

1 the dump -- which dump are you referring to when you
2 say the guy at the dump?

3 A. Either one.

4 Q. Do you remember any specific individuals that
5 used to work at either dump?

6 A. No, I don't. Whatever I'd say, I'd be
7 guessing, and matter of fact, that one guy at the one
8 dump was so old, if he was still living, I think he
9 would be 160 years old.

10 Q. All right. Now, sir, you talked about two
11 dumps in Sauget, one near the Sauget City Hall?

12 A. Yes, sir.

13 Q. And the other south of the power plant on the
14 west side of Route 3, correct?

15 A. That is correct.

16 Q. Okay. And you have personally been to both
17 of those dumps?

18 A. Yes, sir.

19 Q. Do you recall any other dumps in that Sauget
20 area?

21 A. That is the only two I know of.

22 Q. You don't know of a dump near the Cerro
23 Copper plant?

24 A. Well, that one behind the City Hall was right
25 near the Cerro Copper plant.

00086

1 dump?

2 A. Yes. There was some barrels that were stored
3 at the -- right there by the shanty that when you went
4 in, they had some barrels there with lids on them.
5 What was in them, I don't know.

6 Q. Did you -- were you able to see any names or
7 any writing on any of the barrels?

8 A. Not that I can recall.

9 Q. Did you ever observe any liquids in the dump
10 on any of the occasions you were there, and again, I'm
11 talking about this facility behind City Hall.

12 A. No, I didn't. I can't recall seeing any
13 liquids whatsoever. Matter of fact, even after a rain
14 I never seen no water sitting.

15 Q. You probably testified about this, and I came
16 a little late. I missed the years of your employment
17 with Garcia. When did you commence employment there,
18 and when did you cease to be employed there?

19 A. I started there in 1947, and with the -- I
20 left -- when they called me back for the military --
21 they called me back to the Navy in 1950, and I got out
22 in '52. I went back there, and then I worked there
23 until either the end -- the last of '60 or the first of
24 '70. I can't recall when it was. It was in that area
25 somewhere. I could -- it could be three or four years

00087

1 either way, let's put it that way.

2 Q. And did you retire at that time or did you go
3 on to work for --

4 A. I worked -- I worked at other places. I
5 worked at International Shoe for six or seven years.
6 Then I worked for Ryder PIE. When I retired, it was
7 PIE.

8 Q. After you left Garcia, did you have any
9 occasion to be taking any more loads to the dump behind
10 City Hall?

11 A. No, I didn't. The city -- that dump was
12 closed before I left Garcia. They started using the
13 other dump by the river.

14 MR. HOBBS: I'm sorry, Mike.

15 Whoever is on the speaker phone with the
16 typing, could you please hit mute? Thanks.

17 Q. (By Mr. Fisher) Is there any kind of way that
18 you can pinpoint in terms of time when you think that
19 particular dump behind City Hall was closed?

20 A. If I was going to take a -- take a wild guess
21 at it, I'd say '60, '62, in that vicinity. If I was
22 going to take a guess, if you want me to guess at it.

23 MR. MOLLETT: I'm going to interpose an
24 objection just that he's admitted it's a wild guess.
25 Subject to that.

00088

1 Q. (By Mr. Fisher) Do you have any recollection
2 as to when City Hall was built?

3 A. No, I don't.

4 Q. I don't know for sure, but assuming City Hall
5 was built sometime in the -- in or about 1955, if that
6 were -- if that were the case --

7 A. Well, if the -- if the City Hall was built in
8 1955, the dump was closed already.

9 Q. That's what I'm trying to find out. Was the
10 dump closed by the time City Hall was completed?

11 A. Yes, sir.

12 Q. When you testified about observing Wagner
13 washing out trucks, and you remember testifying about
14 seeing that on occasion?

15 A. Yes, I did.

16 Q. Was that before the dump was closed because
17 didn't you testify that you observed that on your way
18 to the dump behind City Hall?

19 A. Do you know, I think he was still washing
20 after City Hall was built. I don't know. Come to
21 think of it --

22 Q. What I'm trying to find out is from when to
23 when do you believe you ever observed from the first
24 time to the last time Wagner washing out any trucks?

25 A. See, before he moved there across from City

00107

1 questions for you, too. I'll try and make it quick.

2 When you hauled materials to the dump, was
3 there any kind of paperwork that you had to have? Did
4 you get kind of a dump ticket or a bill of lading or
5 anything like that?

6 A. No, there wasn't. I don't know if they had
7 some contract with the trucks that went in there that
8 paid for the dumping or how that was handled.

9 Q. So you don't -- I'm sorry. Go ahead.

10 A. The business part of it I don't know a thing
11 about.

12 Q. When you were at the dump, am I understanding
13 your testimony correctly that you never dumped anything
14 at the dump that we've been talking about near where
15 the village hall was built after the village hall was
16 built; is that correct? Do you understand the
17 question?

18 A. Yeah. I never dumped there. Before they --
19 when they started work on the City Hall, I don't know
20 if we were dumping there at that time. I'll be honest
21 with you.

22 Q. Okay.

23 A. I think we started on the river before then.

24 Q. So you don't recall dumping at that dump once
25 the village hall was built?

00108

1 A. Oh, I don't think -- I never did.

2 Q. Okay. Now, you testified that you saw some
3 trucks from Cerro at -- at the dump, correct?

4 A. That's correct.

5 Q. And this is the dump located near where
6 village hall was ultimately built?

7 A. That is correct.

8 Q. How did you know they were Cerro trucks?

9 A. Their name was on it.

10 Q. What did -- was it on the door or on the body
11 of the truck? Where was it?

12 A. The door. Cerro Copper.

13 Q. Cerro Copper?

14 A. Yeah.

15 Q. He may have asked you this, and if he did, I
16 apologize. Do you remember the color of the trucks or
17 the color of the lettering?

18 A. No, I don't.

19 Q. And what kind of trucks did you say they
20 were?

21 A. They were regular dump trucks.

22 Q. Did you ever see any tank trucks at the -- at
23 the dump there by the landfill -- by where the village
24 hall was built?

25 A. No, I never did. If they took them there,

00122

1 A. I don't. I wouldn't have the slightest idea.

2 Q. But fewer than the times you saw the other
3 trucks?

4 A. Okay.

5 Q. I know that didn't make much sense, but --

6 A. Yeah. Between them and the steel casting,
7 they -- and -- they come in the least of any of them.

8 Q. Yeah. That's what I was trying to get at.

9 Thank you.

10 Do you know the approximate time frame -- I
11 know that we've gone around and around about the time
12 frame you were going to this particular dump, and when I
13 say that, I'm talking about the dump behind City Hall,
14 when you would have seen these yellow trucks, any idea?

15 A. I don't have the slightest idea.

16 Q. Whether it was at the beginning of the time
17 that you were going to the dump or --

18 A. I don't know if it was the beginning or in
19 the middle or the end or what.

20 Q. Okay. Were you continuing to go to that --
21 that dump behind City Hall after City Hall was built
22 or --

23 A. No.

24 Q. -- did you say you couldn't remember?

25 A. I don't -- I never did go there after the

00123

1 City Hall was built. I don't know if it was closed or
2 what, but I don't -- I remember them building City
3 Hall, but I think the dump was just on the verge of
4 closing. I don't know for sure.

5 Q. Okay. You testified that you did not know
6 what was in the trucks; is that correct?

7 A. No. I don't -- I didn't know what was in any
8 of the trucks.

9 Q. Did you see them being emptied?

10 A. They just dumped them. Now, whatever come
11 out of them, I don't know.

12 Q. Did you ever talk to any of the drivers?

13 A. No. Never did.

14 Q. And I think Mr. Hobbs asked you this, but did
15 you ever visit the facility or have occasion to go on
16 the facility of Moss Tie?

17 A. No. I never did. I didn't know -- I just
18 heard it was a messy place. That's all they ever said.

19 Q. Okay. But you never visited there?

20 A. I never was there myself.

21 MS. WUNDERLICH: Great. Thank you.

22 MR. HOBBS: Roger?

23 MR. EDGAR: I have no questions.

24 EXAMINATION BY MR. MOLLETT:

25 Q. Hi, Mr. Markezich. We've been introduced,

00124

1 but my name is Greg Mollett, and I represent American
2 Zinc Company and Blue Tee Corporation.

3 At the beginning Mr. Hobbs spoke to you about
4 how important it was that you understood his questions.
5 I just want to remind you that it is very important that
6 you understand my questions. If I ask you a question
7 that you don't understand, will you please tell me so?

8 A. Yes, sir.

9 Q. And if I ask you a question and you answer
10 that question, I will take that to mean that you
11 understood my question. Is that all right with you?

12 A. That's correct.

13 Q. Okay. Thank you. When you talked about the
14 time that you worked for Garcia Trucking, I believe you
15 said you started there in 1947. Was that accurate?

16 A. That is accurate.

17 Q. After that you talked about when you recalled
18 the last years that you worked there. Can you tell me
19 when was the last year that you remember working for
20 Garcia Trucking?

21 A. You know, I don't know. I can't -- I'd have
22 to go home and look through all my papers or something.
23 That's the only way I'd be able to tell you.

24 Q. So as we sit here today, you don't have a
25 recollection of that?

00125

1 A. I don't have a recollection.

2 Q. Between the time that you started and the
3 time that you stopped working for Garcia, whatever date
4 that was, do you remember any gaps in your employment
5 with Garcia?

6 A. Yeah. When I was in the military.

7 Q. Okay. You did tell us about the military,
8 and I think you mentioned recently that you were laid
9 off from Garcia at some point?

10 A. Yes.

11 Q. Was that during this period?

12 A. That was during that period.

13 Q. Okay. Other than the military service and
14 the time you were laid off, can you think of any other
15 gaps in your employment with Garcia?

16 A. No, I can't. Nothing -- nothing that I could
17 think of.

18 Q. Let's talk first about the military service.
19 That was during, I think you said, 1950 and February of
20 1952; is that correct?

21 A. Yeah. That was the second time. The first
22 time was '43 to '46.

23 Q. Okay. So your first term in the military was
24 before you came to work at Garcia?

25 A. That is correct.

00126

1 Q. And you had one term in the military, one
2 period in the military after you worked for Garcia?

3 A. Yes.

4 Q. Okay. Was I correct on those dates, I'm
5 sorry, 1950 to February of 1952?

6 A. Exact dates would have been October --
7 October 27th, 1950 to February 29th, 1952.

8 Q. And during that period that you just told us
9 about, did you ever enter the American Zinc property
10 during this period you were in the military?

11 A. No.

12 Q. Do you know the period during which you were
13 laid off from Garcia Trucking?

14 A. No, I don't. You know, I -- I can't -- I
15 can't remember to save my soul.

16 Q. Aside from trying to remember a specific
17 date, do you have any recollection as you sit here
18 today when during your employment the layoff occurred?

19 A. No.

20 Q. Okay.

21 A. I can't -- I can't recall exactly. I -- I
22 could not even round it. I'm -- I'd just be guessing.

23 Q. That's fine. I don't want you to guess. Do
24 you remember if it was before you went into the
25 military in 1950?

00127

1 A. No. It was after. After I come back from
2 the second time.

3 Q. Okay. So it was --

4 A. It was -- it had to be after 50 -- in the
5 '50s. Well, let's see. I got out in '52. I got
6 married in '54, and it was after that.

7 Q. Okay. If that's as good as you can do,
8 that's all I'm asking for, sir.

9 A. Yeah.

10 Q. Do you remember how long you were laid off?

11 A. Not too long. I don't know. I believe it
12 was just -- it wasn't -- it wasn't too long, I don't
13 think. Two months or so. I'm just guessing. I might
14 be wrong.

15 Q. Just your best recollection is all I'm
16 asking.

17 A. It wasn't too long, I'll put it that way.

18 Q. During the time that you were laid off from
19 being a Garcia employee, did you have any occasion to
20 enter the American Zinc plant site?

21 A. No. I never was on the property. I -- when
22 I -- when I was laid off, I never was on any property
23 that I went on while I was employed.

24 Q. As you sit here today, do you remember even
25 an approximation of the last time you personally were

00128

1 on the American Zinc plant site?

2 A. Well, I'll tell you what. Last time I can
3 remember is when it -- when American Zinc went to Amax,
4 right about then, whatever year that was. It might
5 have been a little bit after that, but it was in that
6 area. When they sold out to Amax -- I guess it was
7 Amax, yeah.

8 Q. Do you remember why you were on the plant
9 site on that occasion that you're recalling?

10 A. I was still working for them at that time, I
11 believe.

12 Q. You were still working for Garcia?

13 A. I think so. I don't know for sure. I
14 believe I was.

15 Q. While you were working for Garcia, do you
16 remember if you ever did any work for Amax?

17 A. No.

18 Q. You don't remember or --

19 A. I never done none.

20 Q. You didn't do any work for Amax?

21 A. I never did none. Richard Ramirez did that
22 job at that time.

23 Q. That's another co-worker of yours --

24 A. Yeah.

25 Q. -- at Garcia Trucking? I have written down

00129

1 that you said that you began hauling from the American
2 Zinc Sauget plant site non-liquid materials in 1948; is
3 that correct?

4 A. That is correct, yes. That's when they --

5 MS. ANDERSON: Object. Sir, do you recall
6 saying non-liquid materials?

7 THE WITNESS: Repeat.

8 MS. ANDERSON: He has written down that you
9 said non-liquid materials. Do you recall saying
10 non-liquid?

11 THE WITNESS: Yeah.

12 MS. ANDERSON: Okay.

13 THE WITNESS: Yeah. In 1948 I recall
14 non-liquid materials, and that was nothing but dump
15 truck service in the plant. That was in '48, now.

16 MR. MOLLETT: Right.

17 THE WITNESS: Because we did not haul liquids
18 until '50 something. I forget exactly.

19 Q. (By Mr. Mollett) As best you recall your
20 period working for Garcia Trucking before you started
21 removing liquid material from the Sauget plant site,
22 were there any other Garcia employees who drove dump
23 trucks onto the American Zinc plant site?

24 A. Yeah.

25 Q. Do you remember the names of those people?

00135

1 unloaded it there. They would tell you where to go.

2 In other words, you was under orders from somebody all
3 the time. You didn't go where you wanted to. You did
4 what they told you to do.

5 Q. During the times that you drove a dump truck
6 onto the American Zinc plant site, do you remember
7 seeing other trucks on the plant site that were labeled
8 as something other than as a Garcia truck?

9 A. No.

10 Q. As best you recall what materials were in
11 your dump truck when you left the American Zinc plant
12 site, you don't remember there being any liquid
13 material involved?

14 A. Not that I know of.

15 Q. You testified -- I'll withdraw that.

16 Can you tell me if at some point in time you
17 went -- when you would remove dump trucks of material
18 from American Zinc's plant site you stopped going to the
19 area which you've identified on Exhibit 1 as the dump?
20 Was there a time when that happened, you stopped taking
21 material to the area you marked as the dump site?

22 A. Yes. I don't know what year it was, but we
23 started to go down here on the river.

24 Q. I believe you already talked about the
25 best -- the closest we can approximate in time is your

00136

1 best recollection today that you stopped coming to this
2 dump site after the City Hall was built; is that
3 correct?

4 A. Yeah. I was never at that dump when they
5 started building the City Hall. That -- at that time I
6 never did go there again.

7 Q. Can you describe for me the location of the
8 other dump other than the one you've marked as --
9 marked on Exhibit 1?

10 A. It's over by the river.

11 Q. Can you be any more specific based on your
12 recollection today?

13 A. No. Union Electric is right -- let me get
14 that map right there. Right here.

15 MR. HOBBS: Whose -- Roger, he wants to look
16 at your map. Do you mind?

17 MR. EDGAR: No.

18 MR. HOBBS: Do you want to mark that?

19 Q. (By Mr. Mollett) Do you want to look at the
20 map and see if there's anything on here that would help
21 your testimony?

22 A. Yeah. This is it.

23 MR. HOBBS: Okay. Can we pause a second and
24 mark this as an exhibit, sir?

25 Is that all right with you?

00137

1 MR. EDGAR: Sure.

2 MR. HOBBS: You're happy to help.

3 MR. EDGAR: I'm happy to help.

4 MR. HOBBS: Mark that as what, Exhibit 3.

5 (Plaintiff's Exhibit 3 was marked for
6 identification.)

7 MR. HOBBS: Do you mind if I introduce it?

8 MR. MOLLETT: No.

9 MR. HOBBS: For the record, I'm going to hand
10 Mr. Markezich a map or a diagram he spotted himself on
11 the deposition table here, and we've marked it
12 Plaintiff's Exhibit 3 for Mr. Markezich.

13 Q. (By Mr. Mollett) Mr. Markezich, before you
14 start pointing, I want to ask you. Have you had a
15 chance to take a look at what's been marked Plaintiff's
16 Exhibit 3?

17 A. Yes, I have.

18 Q. And aside from reading how this document may
19 or may not be labeled, do you recognize what appears to
20 be depicted on this exhibit?

21 A. Yes. Right --

22 Q. Let me ask you my question again before you
23 refer to the exhibit. I was asking you if you could be
24 any more specific in describing the dump that you spoke
25 about other than the one that was on Exhibit 1.

00138

1 Looking at this map, does that help you be more
2 specific?

3 A. Yes, it does.

4 Q. Can you use this pen and mark on the exhibit
5 where your best recollection is that that dump was
6 located?

7 A. At that time it was located along here.

8 Q. You've just written the word dump on Exhibit
9 3; is that correct?

10 A. And underlined it.

11 Q. Okay. Do you have any recollection of the
12 size of that dump at the time you last went there?

13 A. When I -- the last time I was there, it was a
14 large one.

15 Q. Do you remember when you were last there?

16 A. It was in the '60s, I'll guess. I don't
17 know.

18 Q. The last time that you were there, were you
19 still a Garcia employee?

20 A. Yes, and I ain't been there since. Oh. I
21 take that back. I was there the other -- a couple
22 weeks ago. I rode with a farmer. Right where the dump
23 used to be is a -- is a grain elevator now.

24 Q. So you're talking about within the last
25 couple of weeks of this deposition?

00139

1 A. Yeah. I took a ride with him, and he took a
2 load of grain there.

3 Q. So your recollection is there's a grain
4 elevator in 2002 in approximately the location --

5 A. Yeah.

6 Q. -- where the dump was when you worked for
7 Garcia Trucking --

8 A. That's correct.

9 Q. -- is that correct? Aside from the two
10 things that are marked with the words dump, one on
11 Exhibit 1 and one on Exhibit 3, were there any other
12 places where you took material from American Zinc?

13 A. Nope.

14 Q. Thank you.

15 MR. EDGAR: Do I get to leave with my own map?

16 MR. HOBBS: You know, Roger, I can make copies
17 of that.

18 MR. EDGAR: Okay.

19 MS. ANDERSON: Because I would love a copy of
20 that as an exhibit.

21 MR. HOBBS: I think as the CMO we're supposed
22 to hold onto the exhibits at our deposition so I'd like
23 to make copies of it.

24 THE WITNESS: That's a good map.

25 MR. EDGAR: I didn't know you were going to

00147

1 place you've marked as dump on Markezich Exhibit 3,
2 correct?

3 A. Correct.

4 Q. Thank you. You do not -- you personally
5 never dumped any material into a ditch other than the
6 areas that have been marked as dump, correct?

7 A. That is correct.

8 Q. And you do not have any personal knowledge of
9 anyone else taking any material from the American Zinc
10 plant site in Sauget and placing it anywhere other than
11 the two areas that have been marked dump, correct?

12 A. That is correct.

13 Q. Thank you, sir.

14 MR. MOLLETT: Mr. Markezich, I don't have any
15 further questions at this time. Thank you for your
16 patience, sir.

17 MR. HOBBS: Anyone on the phone have any
18 questions.

19 EXAMINATION BY MR. SEPESI:

20 Q. Mr. Markezich, can you hear me?

21 A. Yes.

22 Q. Good. My name is Jeff Sepesi, and I
23 represent Mobil Oil Corporation. I have a few
24 questions.

25 You testified I think to a number of people

00148

1 that you took materials to the Sauget dump near -- that
2 was near the City Hall, right?

3 A. That is correct.

4 Q. And you took it there before the City Hall
5 was built, as best of your recollection?

6 A. That is correct.

7 Q. Was this before or after you went back into
8 the service in 1950?

9 A. This was after.

10 Q. Okay. So did you ever go to this dump before
11 you went back into the service?

12 A. Yes.

13 Q. So you went to the dump both before and after
14 you were in the service?

15 A. That is correct.

16 Q. Okay. I believe you testified that you saw
17 at some time trucks for Mobil; is that right?

18 A. That is correct.

19 Q. And how did you know they were Mobil trucks?

20 A. It was written on their door.

21 Q. Okay. Were they any particular color that
22 you recall?

23 A. You know, what keeps on coming back to me is
24 blue, and I might be wrong.

25 Q. Okay. But that's your -- that's your

00155

1 A. A-L-C-O-A, I think. I believe they're there
2 now.

3 Q. Sir, you also mentioned that you heard
4 certain things from Wagner drivers; is that correct?

5 A. That's right.

6 Q. Do you remember any of the names of any of
7 the Wagner drivers that you knew?

8 A. No, I don't. All I knew is their nickname,
9 and I don't know where you'd look it up. We called him
10 bad eye, so I don't know if --

11 Q. Bad eye?

12 A. Yeah.

13 Q. That's not very nice.

14 A. That -- I don't think that would go too good
15 if you got information from the telephone operator I
16 want to talk to bad eye.

17 Q. I don't think so, either. Finally, when you
18 were talking to Mr. Mollett, you mentioned -- I think
19 you mentioned the American Zinc Company became Amax; is
20 that correct?

21 A. That is right.

22 Q. You -- you personally never did any hauling
23 for Amax, though; is that correct? Is that what you
24 said?

25 A. That is correct.

00156

1 Q. But you said that your -- your friend Richard

2 Ramirez --

3 A. Yeah.

4 Q. -- he hauled for Amax?

5 A. He hauled -- he worked for Amax, but he

6 hauled when it was Amax.

7 Q. Okay. How do you know that?

8 A. I knew him.

9 Q. Okay.

10 A. He was my neighbor.

11 Q. Okay. Do you have any personal knowledge as

12 to what he was hauling or where he was taking it?

13 A. He hauled the same stuff I hauled, but they

14 didn't go to City Hall. They went to the river.

15 Q. How do you know that?

16 A. That's what he told me.

17 Q. Did you ever see him load up his truck --

18 A. No.

19 Q. -- and take it to the river?

20 A. No. Just all my -- all my things with him

21 are hearsay from him.

22 Q. Okay.

23 A. And I can't go counteract him now because

24 he's buried, too.

25 Q. I understand. Now, were you working for

00157

1 Garcia at the same time that Mr. Ramirez told you that
2 he was hauling for Amax? Were you at the same company
3 at the same time?

4 A. I'm -- no. I think -- I don't believe so. I
5 believe I -- I went to work right about then for
6 International Shoe or something. I don't know when
7 that was.

8 Q. Okay.

9 A. That's all I can recall about that.

10 MR. HOBBS: That's all the questions I have.
11 Thank you, sir.

12 FURTHER EXAMINATION BY MS. ANDERSON:

13 Q. Sir, I just have a couple more questions, and
14 I think it'll be helpful to get some clarity on all the
15 different exhibits that have been shown to you today.
16 I want to start by making certain that I have at least
17 the right date for when you started working at Garcia
18 Trucking. That was in 1947?

19 A. 1947, but I don't know what month.

20 Q. That's okay. The year is fine. And I think
21 you've been asked a couple of times today when you
22 stopped working at Garcia, and as best you can recall,
23 it was sometime in the '60s?

24 A. Or early '70s or something. Right around
25 then. I'm just going to --

00178

1 Q. Okay. And so that anything you testified to
2 so far as to any material going to any dump was not
3 from Amax?

4 A. That is right.

5 MS. ANDERSON: That's -- objection. That's --
6 that's not what he testified to. Can you just repeat
7 the question? I just want to make certain that he
8 understood your question.

9 Q. (By Ms. Carey) Okay. You never hauled
10 anything for Amax; is that correct?

11 A. I -- I think I -- I think I -- I believe I
12 hauled liquid -- liquid acid for them, sulfuric acid.

13 Q. So -- for Amax?

14 A. But I never did haul to the dump for Amax.

15 Q. Okay. The product was sulfuric acid?

16 A. Yes. I believe I hauled that from there.

17 Q. So nothing you hauled from Amax would have
18 gone to any dump?

19 A. No. I did not haul anything from there.

20 Q. Okay. Do you recall where you hauled the
21 product, sulfuric acid, to?

22 A. Yes. Granite City Steel.

23 Q. Okay. And I know you testified that you
24 weren't quite sure, but do you remember your last date
25 of -- the last date you were employed by Garcia?

00179

1 A. No, I don't. That was in 19 -- I don't know.
2 30 years ago or so.

3 Q. So if I asked you if it was after 1972, you
4 wouldn't -- would you know?

5 A. I wouldn't know. I'll tell you what. You
6 can -- I'll give you my Social Security number. You
7 can write to them people, and they can give you my
8 employment dates.

9 Q. Thank you. That won't be necessary.

10 MS. CAREY: That's all the questions I have
11 right now.

12 FURTHER EXAMINATION BY MS. ANDERSON:

13 Q. Just -- just one more question, sir.

14 Didn't you state more than once today that
15 your neighbor hauled for Amax?

16 A. That's right.

17 Q. And that your neighbor hauled to the dump
18 near the river for Amax?

19 A. That is correct.

20 MS. ANDERSON: Thank you, sir.

21 MR. HOBBS: Anyone else?

22 FURTHER EXAMINATION BY MS. CAREY:

23 Q. I'd just like to follow up that you don't
24 have any firsthand knowledge of anything from Amax
25 going to the dump; is that correct?

00180

1 A. Just what I heard.

2 MS. CAREY: Thank you.

3 MR. HOBBS: Okay. Before we close, I want to
4 make sure that Exhibits 4 and 5 are properly marked.
5 The witness wrote 4 and 5 on 4 and 5.

6 THE WITNESS: So you wouldn't get them mixed
7 up.

8 (Markezich Exhibits 4 and 5 were marked for
9 identification.)

10 MR. HOBBS: Mr. Markezich, when we get -- when
11 we're done with this, she's going to have a transcript.
12 The court reporter's going to have a transcript, and you
13 have the option, you have the right to review that
14 transcript to make sure there were no errors in what you
15 said being transcribed wrong or whatever, or you don't
16 have to. It's up to you. Is that something you think
17 you'd like to do? We'll send a transcript, and you can
18 decide.

19 THE WITNESS: You can send it. I don't know.

20 MR. HOBBS: We'll send you a transcript, and
21 you can decide.

22

23

24

25